



Council of the
European Union

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ADD 1
LIMITE
PV CONS 51
TRANS 511
TELECOM 335
ENER 382

DRAFT MINUTES

EXTRAORDINARY MEETING OF THE COUNCIL OF THE EUROPEAN UNION
(Transport, Telecommunications and **Energy**)

26 July 2022

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Non-legislative activities

3. Council Regulation on coordinated demand reduction measures for gas

[C] 11521/3/22 REV 3

Political agreement

Decision to use the written procedure for the adoption ()*

The Council reached a political agreement on the proposal for a Council Regulation on coordinated demand reduction measures for gas, and decided to authorise to use the written procedure for the adoption of this Council Regulation.

A statement by the Commission is annexed to these minutes.

[C] Item based on a Commission proposal

(*) Item on which a vote may be requested

Statements to the non-legislative "B" items set out in doc. 11424/22**Ad "B" item 3:**

Council Regulation on coordinated demand reduction measures for gas
Political agreement
Decision to use the written procedure for the adoption ()*

STATEMENT BY THE COMMISSION

“The European Commission’s proposals in COM (2022) 360 final, namely to “Save gas for a safe winter”, set out the necessary demand reductions to address the urgent security of supply situation in the European gas market.

In addition to these elements, and as part of the overall effort to address the serious energy situation overall that has been provoked by Russia’s war of aggression against Ukraine, the European Commission underlines that it will take forward urgently the important work to address other relevant elements, namely:

- supply considerations: the Commission will continue its work through the Energy Platform to secure for the European market additional quantities of gas and LNG (and hydrogen, in the future), and to facilitate joint purchasing, thereby accelerating the reduction of dependency on Russian gas supplies. The Task Force that has now been established will focus its efforts on a number of priority external markets in this regard, including with a view to securing further additional quantities of LNG this year and next, and will also rapidly take forward and coordinate the work of the five regional groups that have been established, for example to ensure the most effective and efficient use of existing infrastructure.
- price caps: recognizing the importance of securing energy supply at affordable prices, particularly in the context of mandatory demand reductions efforts, whilst ensuring that gas flows where it will be most needed in a spirit of solidarity and to protect the EU internal market, the Commission is urgently assessing the different possibilities to introduce price caps for gas. To that end, the Commission will consult Member States (and international partners where appropriate) and will report back in the autumn with specific proposals, as necessary.
- electricity market design: the Commission, noting that a number of delegations wish to consider how to improve the future functioning of electricity markets to the benefit of consumers and industry, particularly with a view to the effect of gas prices, will take forward the impact assessment process on how to withstand future excessive price volatility, deliver affordable electricity within a future fully decarbonised energy system, while preserving the integrity of the Single Market, maintaining incentives for the green transition, preserving security of supply and avoiding disproportionate budgetary costs. This work is being taken forward as a priority, in close cooperation with Member States, to enable it to be finalised as soon as possible.”

Statements to the non-legislative "A" items set out in doc. 11426/22 + COR 1

Ad "A" item 5:

Council Decision requesting the Commission to submit a study on the situation of the internal market of Union postal services, and a proposal, if appropriate, in view of the outcomes of the study
Adoption

STATEMENT BY THE NETHERLANDS, CYPRUS AND FRANCE

“Netherlands, Cyprus and France abstain from supporting the references in Council Decision 11188/22 to parcel delivery services (recital 2) and new players in e-commerce (recital 4) while concluding that there might be a need to revise the Postal Directive 97/67/EC to address the above-mentioned challenges.”

Ad "A" item 6:

Council Decision authorising Poland to ratify the amendment to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea
Agreement in principle
Request for the consent of the European Parliament
Adoption

STATEMENT BY THE COMMISSION

“By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council) the Court of Justice clearly confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)(a)(v) for the decisions on the conclusion of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.

In relation to the Decision authorising the Republic of Poland to ratify, in the interest of the European Union, the amendment to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea, the Commission regrets the Council’s amendment replacing the substantive legal basis of Article 43(2) TFEU with Article 43 (without mentioning the paragraph).

While not opposing the adoption of the amendment by the Council by a qualified majority vote, the Commission reserves all its rights in this regard.”

Ad "A" item 7:

Request for internal review under Article 10 of Regulation 1367/2006 in relation to Council Regulation (EU) 2022/515 of 31 March 2022 amending Council Regulation (EU) 2022/109 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in certain non-Union waters

Approval of the Council's reply

STATEMENT BY BELGIUM, FRANCE, GERMANY, IRELAND AND THE NETHERLANDS ON THE APPLICATION OF ARTICLE 15(9) OF THE BASIC REGULATION FOR COD/7XAD34 AND HER/7G-K

“Given that the biomass of the stocks of COD/7XAD34 and HER/7G-K is below Blim and that only by-catch or scientific fisheries will be permitted in 2022 for these stocks, in order to ensure their recovery and in accordance with the written record agreed with the UK for the fishing opportunities for 2022, Belgium, France, Germany, Ireland and the Netherlands undertake not to make use of inter-annual flexibility under Article 15(9) of Regulation (EU) No 1380/2013 with regard to these stocks in 2022.”

STATEMENT BY DENMARK, ESTONIA, FRANCE, GERMANY, IRELAND, LITHUANIA, SPAIN AND SWEDEN ON THE APPLICATION OF ARTICLE 15(9) OF THE BASIC REGULATION FOR BLI/12INT, BLI/24 AND BLI/03A

“Given that the biomass of the stocks of BLI/12INT, BLI/24, BLI/03A is below Blim, in order to ensure the recovery of these stocks and in accordance with the written record agreed with the UK for the fishing opportunities for 2022, Denmark, Estonia, France, Germany, Ireland, Lithuania, Spain and Sweden undertake not to make use of inter-annual flexibility under Article 15(9) of Regulation (EU) No 1380/2013 with regard to these stocks in 2022.”

Ad "A" item 13:

Council Decision on position to be taken regarding the consultation procedure laid down in Article 63(3) of the TCA
Adoption

STATEMENT BY THE COMMISSION

“The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 3 to be inappropriate.

The expression of the Union position in a body set up by an agreement is an act of external representation of the Union which, in accordance with Article 17(1) TEU, is the institutional prerogative of the Commission.

The Commission reserves all its rights in this regard.”